

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

TYROME HARRIS, SR.
ADC #121901

PETITIONER

v.

No. 5:18-cv-157-DPM


STATE OF ARKANSAS

RESPONDENT

ORDER

On *de novo* review, the Court adopts Magistrate Judge Ray's recommendation, *No. 13*, and overrules Harris's objections, *No. 14*. FED. R. CIV. P. 72(b)(3). Contrary to Harris's argument, he was not sentenced as a habitual offender; he is ineligible for parole based on a different statute. Compare ARK. CODE ANN. § 5-4-501(c)(1) with ARK. CODE ANN. § 16-93-609(b); see also *No. 9-3 at 5*. And Harris hasn't shown that the State courts misapplied clearly established law or made unreasonable factual findings. 28 U.S.C. § 2254(d)(1)-(2). His petition will therefore be dismissed with prejudice. No certificate of appealability will issue. 28 U.S.C. § 2253(c)(1)-(2).

So Ordered.



D.P. Marshall Jr.
United States District Judge

4 February 2019